IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE BILAL NAZKI
WRIT PETITION NO : 2369 of 1994

Between:

Smt.Mohammed Ammaji W/o.late Md.Lal Shariff
Chintapalli Opp to RTC Complex,
Near R&B Guest House, Chintapally, Vizag Dist

..... PETITIONER

AND

The Mandal Revenue Officer Chintapalli Revenue Mandal
Visakhapatnam Dist

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ order or direction, particularly one in the nature of writ of mandamus declaring the action of the respondent in issuing the notice of eviction under Sec.7 of Madras Act, 3 of 1905 as illegal, violative of the principles of natural justice and to restrain the respondent from interfering with the peaceful possession and enjoyment of the petitioner in the said land and thatched house therein in any manner and to pass such other order.

For the Petitioner:MR.G.KRISHNA RAO, Advocate

For the Respondent No.: GP FOR REVENUE

The Court Made the Following :

ORDER:

Heard learned counsel for the parties. The case of the petitioner is that permission was accorded to her for

construction of a house on a site measuring 10 cents in Chinthapalli village. Boundaries of the land were mentioned in the order itself and also in the sketch attached to the order. The order was passed in the year 1970. The petitioner is living along with her widowed daughter in the house. Surprisingly a notice in terms of Section 7 of the Madras Act 3 of 1905 was given to the daughter of the petitioner and thereafter the officers of the revenue department threatened to evict the petitioner from the land. Admittedly the daughter of the petitioner was not assigned the land and the land has been assigned to the petitioner who submits that she has constructed a thatched hut on the land and is living with her daughter. No eviction order has been passed against the petitioner. In these circumstances, I direct the petitioner to file her objections to the notice issued under Section 7 of the Madras Act 3 of 1905 before the concerned Mandal Revenue Officer and the Mandal Revenue Officer shall take into account the order passed on 11.3.1970 assigning 10 cents of land to the petitioner and pass appropriate orders. The writ petition is accordingly disposed of. No costs.

KR ASST. REGISTER

True Copy

Section Officer

To

1. The Mandal Revenue Officer Chintapalli Revenue Mandal Visakhapatnam Dist

2. Two CCs to GP for Revenue, High Court Buildings, Hyderabad.

3. Two CD Copies